



The Public Utilities Commission of Ohio

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FCC MAIL ROOM

November 21, 2000

Magalie Roman Salas  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

RE: CC Docket No. 94-129 – Application for Authority to Administer Slamming Complaints

Dear Ms. Salas:

Pursuant to the procedures established in the Federal Communications Commission's (FCC's) *First Order On Reconsideration* released May 3, 2000, and the *Third Report and Order and Second Order on Reconsideration* released on August 15, 2000, in CC Docket No. 94-129, the Public Utilities Commission of Ohio (Ohio Commission or PUCO) is electing to administer the FCC's Title 47, §64 carrier slamming requirements. Consequently, the Ohio Commission elects to take primary responsibility for resolving Ohio's consumers' slamming complaints as of the effective date of the FCC's modified unauthorized carrier change rules. The information required of individual states by the FCC for authority to administer slamming complaints is provided below.

**Complaint Process**

*Method of Filing:* Consumers may contact the Ohio Commission regarding their slamming complaints by letter, fax, online electronic complaints, or telephone call.

**Mailing address:**

The Public Utilities Commission of Ohio  
Public Interest Center  
180 East Broad St.  
Columbus, Ohio 43215-3793

Toll-free consumer complaints phone number: 1/800-686-7826  
TTY/TDD Toll-free phone number: 1/800-686-1570  
Fax phone number: 1/614-752-8351  
Internet Online complaint form: [webmaster@puc.state.oh.us](mailto:webmaster@puc.state.oh.us)

**Filing Fees** \$0.00 to file a formal or informal complaint

*Documentation Consumer Must Provide:* The PUCO staff investigator may request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges. An investigator will contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer or other applicable statement.

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**Procedure (Safeguards, Deadlines, Appeal Rights)**

The PUCO's rules require an alleged unauthorized carrier to respond to a PUCO complaint investigator within ten business days. Consistent with the FCC's rules, the Ohio Commission requires the alleged slamming carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred (that is, if the carrier has not already done so). Consistent with §64.1120, upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification, letter of authorization (LOA), or electronic verification, the Ohio staff investigator listens to the tape or reads the LOA in order to determine if the verification complies with Federal and state rules. Any evidence supplied by the consumer is also taken into account. The Ohio Commission notes that its verification requirements meet or exceed the FCC's rules. If the investigator determines the carrier verification complies with state law, the consumer is notified that the PUCO found no slam occurred. If the investigator determines the verification was inadequate, then the unauthorized carrier and consumer are informed that a slam did occur and that, in accordance with 47 U.S.C. §258 (b), federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator determines a slam did occur and notifies the unauthorized carrier and consumer of that finding.

The Ohio Commission, upon their effective date, ensures that it will enforce the FCC's carrier liability requirements. Specifically, a carrier that fails to comply with the FCC's §64.1140 requirements and procedures shall be liable to the subscriber's properly authorized carrier in an amount equal to 150 percent of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in §64.1170. Specifically, the Ohio Commission notes that if the subscriber has already paid charges to the unauthorized carrier, and the authorized carrier receives payment from the unauthorized carrier, the authorized carrier will be required to refund or credit to the subscriber any amounts determined in accordance with the provisions of §64.1170(c). If the subscriber has been absolved of liability, the unauthorized carrier will also be liable to the subscriber for any charge required to return the subscriber to his or her properly authorized carrier, if applicable.

Moreover, if a subscriber's service provider is verified to be changed without authorization and if the subscriber has not already paid charges to the unauthorized carrier, the subscriber will be absolved of liability for charges imposed by the unauthorized carrier for service provided during the first 30 days after the unauthorized change. Upon being informed by a subscriber that an unauthorized change has occurred, the Ohio Commission will require the authorized carrier, the unauthorized carrier, or the executing carrier to inform the subscriber of this 30-day absolution period. The Ohio Commission will also ensure that any charges imposed by the unauthorized carrier on the subscriber for service provided after this 30-day period shall be paid by the subscriber to the authorized carrier at the rates the subscriber was paying to the authorized carrier at the time of the unauthorized change in accordance with the provisions of §64.1160(e).

Subscribers or carriers dissatisfied with the Ohio Commission's informal resolution to the slamming complaint will be afforded the option to file a formal complaint with the PUCO. There is no fee rendered by the Ohio Commission for filing a formal complaint. Additionally, a carrier or consumer that believes the Ohio Commission has not appropriately followed the FCC's Part 64 slamming requirements will be instructed to file a petition for declaratory ruling with the FCC.

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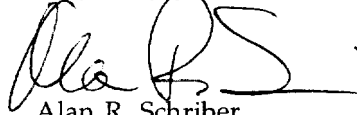
#### **FCC-State Coordination**

*Reporting:* The PUCO complaints staff enters each slamming complaint that is investigated into our complaints database. Consistent with paragraph 34 of the FCC's May order in CC Docket No. 94-129, the Ohio Commission will regularly file with the FCC a report that details slamming activity. These filings will identify the number of slamming complaints handled, including data on the number of valid complaints per carrier; the identity of top slamming carriers; slamming trends and other relevant information.

*Coordination:* The primary contact for the FCC for coordination of FCC complaint referrals and State slamming reporting is Mr. Dan Anderson, Public Utilities Administrator, Consumer Services Department (614-995-0444).

The PUCO wishes to thank the FCC for the authority to administer slamming complaints in the state of Ohio. We also look forward to working with the FCC in an attempt to eradicate slamming altogether. If you have any comments or questions regarding this application, please direct them to Dan Shields on 614-644-7797.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alan R. Schriber', with a long horizontal flourish extending to the right.

Alan R. Schriber  
Chairman

ARS/DFS:ct

cc: FCC, Consumer Information, Bureau Chief